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BB-29-95

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior Application: 07/930,443  
Examiner : T. Nisbet  
Art Unit : 1806  
Atty.'s Docket : WALLACH=5B  
Date : June 7, 1995

Hon. Commissioner of Patents and Trademarks  
Washington, DC 20231

Sir:

This is a request for filing a divisional application under 37 CFR 1.60 of pending prior (parent) application Serial No. 07/930,443 filed on August 19, 1992, of David WALLACH, Hartmut ENGELMANN, Dan ADERKA, Daniela NOVICK, and Menachem RUBINSTEIN

for TUMOR NECROSIS FACTOR BINDING PROTEIN II, ITS PURIFICATION AND ANTIBODIES THERETO

- XX 1. Enclosed is a copy of the latest inventor signed prior application including the oath and declaration as originally filed. I hereby verify that the attached papers are a true copy of the latest inventor signed prior application serial number 07/524,263 whose specification and claims were filed on May 16, 1990, and whose declaration was filed on September 25, 1990, and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.
- XX 2. Cancel in this application original claims 2-10 and 15-32 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).
3. Amend the specification by inserting before the first line the sentence:
- NE . --The present application is a divisional of U.S. application Serial No. , filed .--
4. Transfer the drawings from the pending prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by Section 1.13 and before payment of issue fee).
- XX 5. Original formal drawings are enclosed.
6. A verified statement claiming small entity status is enclosed in parent application Serial No. , filed and is still proper.
7. A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

XX 8. The filing fee is calculated below:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY PARAGRAPH 2

For	Number Filed	Number Extra	Rate	Calculations
Total Claims	5	5 - 20 =	x \$22.00	\$ 0
Independent Claims	1	1 - 3 =	x \$76.00	\$ 0
Multiple Dependent Claim(s) (if applicable)			+ \$240.00	
			Basic Fee	+ \$ 730.00
Total of above Calculations =				\$ 730.00
Reduction by 1/2 for filing by small entity (note 37 CFR 1.9, 1.27, 1.28) if applicable. Statement must be of record.				-
Total national fee =				\$ 730.00

XX 9. A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

XX 10. Any additional fee required by the filing of an enclosed preliminary amendment has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	CALCULATION
TOTAL	*	17	MINUS	**	20	= 0	x \$22.00 \$ 0
INDEP	*	3	MINUS	***	3	= 0	x \$76.00 \$ 0
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						x \$240.00	\$
Total of Above Calculations =							\$ 0
Reduction by 1/2 for filing by small entity (note 37 CFR 1.9, 1.27, 1.28). Statement must be of record.							-
Total Additional Fee =							\$ 0

11. The Commissioner is authorized to charge \$\_\_\_\_\_ to Deposit Account No. 02-4035.  
A duplicate copy of this sheet is enclosed.

XX 12. A check in the amount of \$730.00 is attached (check no. 9360 ).

XX 13. The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application to deposit account No. 02-4035. This authorization and request is not limited to payment of any portion of the filing fees under 37 CFR 1.16 not covered by check, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of this case. With respect to issue fees arising under 37 CFR 1.18, applicant authorizes payment only on the last day of the period initially set for payment of such fee, if not by then already paid, by charging to the amount of the undersigned, No. 02-4035. The Commissioner is likewise authorized to credit any overpayment to said deposit account.

XX 14. The prior application is assigned to: YEDA RESEARCH AND DEVELOPMENT CO. LTD., Rehovot, ISRAEL.

XX 15. The power of attorney in the prior application includes the following:

<u>X</u> ALVIN BROWDY, Reg. No. 16,260	<u>X</u> SHERIDAN NEIMARK, Reg. No. 20,520
<u>X</u> ROGER L. BROWDY, Reg. No. 25,618	<u>X</u> A. FRED STAROBIN, Reg. No. 18,453
<u>X</u> ANNE M. KORNBAU, Reg. No. 25,884	<u>X</u> IVER P. COOPER, Reg. No. 28,005
<u>   </u> NORMAN J. LATKER, Reg. No. 19,963	<u>   </u> *ALLEN C. YUN, Reg. No. 37,971
<u>   </u> *NICK S. BROMER, Reg. No. 33,478	(* Patent Agent)

Correspondence to be addressed to BROWDY AND NEIMARK.

419 Seventh Street, NW, Washington, DC 20004.

- a. XXX The power appears in the original papers of the prior application attached hereto.  
b.     Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

XX 16. The undersigned attorney of record hereby revokes the powers of attorney of:

<u>   </u> G. KEVIN TOWNSEND, Reg. No. 34,033	<u>   </u> JOHN E. TARCZA, Reg. No. 33,638
<u>X</u> JEROME J. NORRIS, Reg. No. 24,696	<u>X</u> RONALD R. SNIDER, Reg. No. 24,962
<u>   </u> TERRELL P. LEWIS, Reg. No. 29,227	<u>   </u> BARRY A. EDELBERG, Reg. No. 31,012
<u>   </u> SANDY LIVNAT, Reg. No. 33,449	<u>   </u> THERESA BANTA, Reg. No. 34,543
<u>   </u> WM. D. JOHNSTON, III, Reg. No. 27,806	<u>   </u> ROBERT K. CARPENTER, Reg. No. 34,794

XX 17. The undersigned attorney of record hereby appoints associate power of attorney, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith to:

<u>   </u> IVER P. COOPER, Reg. No. 28,005	<u>X</u> NORMAN J. LATKER, Reg. No. 19,963
<u>X</u> *ALLEN C. YUN, Reg. No. 37,971	<u>X</u> NICK S. BROMER, Reg. No. 33,478
(* Patent Agent)	

XX 18. It is requested that applicant be granted the benefit of the priority of the filing date of:

Application No. 90339 in Israel on May 18, 1989. A certified copy of this application was filed in the parent case on May 16, 1990.

Application No. 91229 in Israel on August 6, 1989. A certified copy of this application was filed in the parent case on May 16, 1990.

Application No. 94039 in Israel on April 6, 1990. A certified copy of this application was filed in the parent case on May 16, 1990.

- XX 19. If for any reason this filing is held to be improper under 37 C.F.R. 1.60, it is requested that it be accepted under 37 C.F.R. 1.53
- XX 20. Certain documents were previously cited or submitted to the Patent Office in the following prior applications 07/930,443, and 07/524,263, which are relied upon under 35 USC 120. Applicants identify these documents by attaching hereto a form PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 37 CFR 1.98(d). Per Section 1.98(d), copies of these documents need not be filed in this application.
- XX 21. As grandparent application no. 07/524,263 was not subject to the Sequence Listing rules (37 CFR 1.821-1.825), said rules also do not apply to the present application (see the notice of final rulemaking of April 20, 1990, at 1114 OG 29 and 36). Accordingly, no Sequence Listing, either in paper or computer-readable form, need be submitted herewith.

Respectfully submitted,

BROWDY AND NEIMARK  
Attorneys for Applicant(s)

By: 

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XX Attorney or agent of  
record in prior case  
   Filed under 37 CFR 1.34(a)